

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DANIEL MCGRUTRIE EDWARDS,**

**Plaintiff,**

**v.**

**MABLE G. SWEAT, JOBE SAINABU,**

**Defendants.**

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**CIVIL ACTION NO. 6:18-CV-00524-TH-  
JDL**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Plaintiff Daniel McGrutrie Edwards (“Plaintiff”), proceeding *pro se* and *in forma pauperis*, filed this civil rights lawsuit on October 3, 2018, under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights against Defendants Mable G. Sweat and Jobe Sainabu (collectively “Defendants”). The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On September 6, 2019, the Magistrate Judge issued a Report and Recommendation (Doc. No. 23) recommending that Plaintiff’s claims be dismissed without prejudice because adequate state post-deprivation remedies exist for Plaintiff’s property claims. Defendants were served with the Report and Recommendation through their counsel of record via the Court’s CM/ECF electronic filing system on September 6, 2019 (Doc. No. 23), and Plaintiff received the Report and Recommendation on October 10, 2019. (Doc. No. 24.)

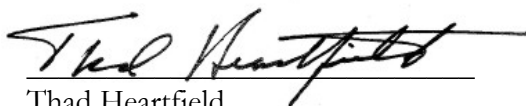
Plaintiff has filed objections to the Report and Recommendation. (Doc. No. 25.) The Court conducts a *de novo* review of any objections to the Report and Recommendation made

within fourteen days of service and examines the entire record to make an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*) *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). After careful consideration, the Court is of the opinion that the objections are without merit. Plaintiff's objections state that because the Court has "all of [Plaintiff's] property papers" demonstrating his ownership of property allegedly wrongfully confiscated by Defendants, that the Court should have ruled in his favor. (Doc. No. 25 at 1–2.) This is the exact argument posed by Plaintiff in his initial filings with the Court and does not address the Magistrate Judge's finding that an adequate post-deprivation remedy exists. Plaintiff's claim still lacks an arguable basis in federal law.

Plaintiff additionally requests the return of his documents and exhibits filed with the Court. The Clerk is hereby directed to mail Plaintiff a copy of his attachments contained in Docket No. 1 at no cost to Plaintiff.

Accordingly, Plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. This action is hereby **DISMISSED WITH PREJUDICE**. This does not bar Plaintiff from pursuing this claim in state court or through the administrative processes of TDCJ-CID.

**SIGNED** this the **30** day of **October, 2019**.

  
Thad Heartfield  
United States District Judge